

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-11261

v.

HON. MARIANNE O. BATTANI

ANDRE SAVAGE,

Defendant,

and

UNISYS CORPORATION.

Garnishee.

**ORDER ACCEPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
AND DENYING DEFENDANT’S OBJECTION TO GARNISHMENT**

Before the Court is Defendant Andre Savage’s Objection to the Magistrate Judge’s Report and Recommendation (“R&R”) Denying Defendant’s Objections to the Writ of Garnishment. (See docs. 14, 21, 22). In his Objection to the Writ of Garnishment, Defendant argues that due to the fact that he is an unemployed full-time student, he is unable to make the monthly payments in accordance with the July 5, 2007 Consent Judgment. (Doc. 14). For the reasons discussed below, the Magistrate Judge’s R&R is accepted, and the Defendant’s objections are denied.

A district court must conduct a *de novo* review of the parts of a Magistrate Judge’s R&R to which a party objects. 28 U.S.C. § 636(b)(1). The district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” Id. The requirement of *de novo* review “is a statutory recognition that Article III of the United States

Constitution mandates that the judicial power of the United States be vested in judges with life tenure.” United States v. Shami, 754 F.2d 670, 672 (6th Cir. 1985).

In July 2007, Defendant entered into a consent judgment whereby he was required to pay \$65 a month towards his \$5,162.18 student loan debt. Subsequently, Defendant failed to make these \$65/month payments on a regular basis. Thus, this Court entered an order garnishing his wages. Defendant objected to the garnishment. In the R&R, the Magistrate Judge noted that Defendant receives unemployment benefits in the amount of \$362 per week. Therefore, the Magistrate Judge found that Defendant could reasonably afford to make the payments of roughly \$16 per week and recommended that this Court deny his objections.

In his objection to the R&R, Defendant does not contest any of the Magistrate Judge’s findings. Instead, he simply requests that the Court allow him to continue to make the monthly payments pursuant to the Consent Judgment. Thus, the Magistrate Judge’s findings are uncontested. As these findings support the continued garnishment of Defendant’s wages, his objections to the R&R are overruled.

Accordingly, the Magistrate Judge’s R&R is **ACCEPTED**, and Defendant’s objections to the garnishment are **DENIED**.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: July 15, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
Case Manager